

MFC1
MOSES DELBRIDGE
1016 BROADWAY
BAYONNE, N. J. 07002
(201) 455-8258

JANUARY 17, 2009

ATTN: Honorable Judge William J. Martini
United States District Court
Martin Luther King Building & U. S. Courthouse
50 Walnut Street, Rm 4015
Newark, N. J. 07102

RE: M. DELBRIDGE V. ACME FOOD CORPS. &
ROBERT GEORGE

CASE NO. 08-4821

Dear Judge,

Enclosed, please find my amended complaint pursuant
to this matter. I hope the form is acceptable.

Sincerely,


MOSES DELBRIDGE

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Moses Delbudge

(b) County of Residence of First Listed Plaintiff

Hudson

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Pro-Se

DEFENDANTS

ACME Food Corp, and

Robert George

County of Residence of First Listed Defendant

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Kelly L. Bannister, Esq
1839 Market St. 14th Floor
Philadelphia, PA 19103-2982

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question
(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

☒ 1 PTF
☐ 1 DEF

Incorporated or Principal Place of Business in This State

Citizen of Another State

☐ 2 PTF
☐ 2 DEF

Incorporated and Principal Place of Business in Another State

Citizen or Subject of a Foreign Country

☐ 3 PTF
☐ 3 DEF

Foreign Nation

☐ 4 PTF
☐ 4 DEF

☐ 5 PTF
☐ 5 DEF

☐ 6 PTF
☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

☐ 1 Original Proceeding

☒ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Section 301 of L.M.R.A., 29 U.S.C. 185, & N.J.S.A. 10:5-1 - 10:5-49

Brief description of cause:

Wrongful Discharge, Discrimination - Discharge

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

\$25,000.00 Back Pay

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

DATE

SIGNATURE OF ATTORNEY OF RECORD

1/13/09

M. J. J. J.

"AMENDED COMPLAINT"

Plaintiff, Moses Delbridge, residing at 1016 Broadway, Bayonne, N. J. 07002, does complain of Acme Food Corp, and Robert George, of 2 Garfield Ave, Jersey City, N. J. 07304,{Defendants} for the following reasons.

1. Plaintiff was employed by defendants in July 2004. The plaintiff was a very good employee, and had **"never missed a day of work"**. During plaintiff's employment, July 2004 to Oct. 2006, plaintiff was routinely called into work on his day off(many, many, many times), and never refused defendant, Acme Food Corp.
2. At some time in 2006, defendants discovered at least one employee(Black female), was cheating the company via over using illegal coupons, and probably another Black employee. While defendants might have had evidence against one or more employees, they did not have evidence that the **"other Black employees"(which are Black employees hired between July 2004 and before September 2006)**. Plaintiff will refer to these Black employees are **"newly hired"**.
3. Plaintiff contends that the defendants acted with **"malice"** in two ways: (A). Defendants did not want to trust any of the newly-hired Blacks, with the mind set

that, If one Black steals, then the rest must, and set out to find a way to discharge all the newly hired, but specifically Blacks.

4. The other objective of defendants(B), was to dismiss this "Block" of newly hired Blacks before the new Federally mandated **"minimum wage increase"**. The newly hired caucasians, and other minorities were not dismissed. However, at least 6 or 7 Blacks were.

5. In order to achieve defendants' goals, defendant George was the catalyst. Defendants knew they had no evidence against most of the Black employees, like plaintiff, therefore they had robert George conduct interrogations of employees(like plaintiff), by knowingly violating the **Weingarten Rules"**.

6. Defendant George contacted the union and advised the "shop-steward" that he intended to interview a couple of employees on September 26, 2006. While the shop-steward had the two employees upstairs at 2 Garfield Ave, Jersey City, defendant George was secretly conducted interviews downstairs without the shop-steward being present.

7. On September 26, 2006 when plaintiff arrived at work, he was ordered to go to a room. When he did

arrive at said room, he was met by defendant George. When George advised plaintiff of the investigation, plaintiff immediately asked for "Kathy" (shop-steward) however, defendant George "LIED" to plaintiff, explaining that Kathy was not there, unavailable. Plaintiff being niece, sat down while George proceeded. George asked the plaintiff to review a **"surveillance tape"** of Sept. 3, 2006, but plaintiff explained that it did not show him doing anything wrong, and he could not see if the other employee was doing wrong.

8. Next, defendant George advised plaintiff that he was going to be fired, but if plaintiff would write a letter of guilt, and appologize, he, George, would make sure the plaintiff could keep his job. Defendant George proceeded to tell plaintiff what to write, and then demanded that plaintiff sign those words. Plaintiff realized that this was wrong, and refused to sign George's words. Again, defendant George knew very well, that the shop-steward was directly upstairs. Plaintiff learned later that George copnducted other interrogations violating Weingardent" as it related to other employees, after plaintiff was discharged.

9. Therefore, the malicious plan of defendants, which defendant George was "instrumental" in the assurance of

said plan, was to have the shop-steward present where defendants actually had evidence, but have George violate The Weingarten Rights of Black employees where defendant had no evidence to discharge them, such as plaintiff. The following facts will prove this:

9a. After plaintiff's discharge, he and the Union did demand all relevant documents from defendants, and more importantly, "THE SEPT. 3, 2006 SURVEILLANCE TAPE". Defendants delayed, delayed, and delayed, the Grievance Hearing, which was conducted on April 19, 2007, but prior to that hearing, in another **malicious act of defendants, defendants made sure that they "withheld" that surveillance tape of Sept. 3, 2006. Defendants advised the Union that they cannot find said tape.**

10. the denial of the surveillance tape was another malicious act of defendants because it proved that plaintiff did nothing wrong. Instead, defendants used defendant George, again, to further their unconstitutional plot, by having defendant George testify at the Grievance Hearing, as to what he claims the surveillance tape showed. His testimony was a complete perjured lie, and is about the worse of hearsay violations which exist. This same thing

occurred at the Arbitration hearing in 2008. And defendants, with George's assistance, knowingly, and willfully, went further to violate plaintiff's civil rights pursuant not only to the **Fourteenth Amendment to the United States Constitution**, but the **Fouth Amendment**, and **Fifth Amedment** as well. Furthermore, defendant George was instrumental in defendants' malice in violating new Jersey's Law Against Discrimination, N.J.S.A. 10:5-1 to 49, and N.J.S.A. 10:5-12(e).

11. Pursuant to N.J.S.A. 10:5-1 et al, See Tarr v. Ciasulli, 181 N.J. 70, 83 (2004), Defendant George not only aided and abetted Acme Food Corp, but was the "key" to accomplishing the malicious plot to fire plaintiff, and others in that Black "Block". It was George who acted in violating Weingardent for his superiors. It was George who acted to suppress the surveillance tape of Sept. 3, 2006, then perjure himself as to the contents of the tape at the Grievance Hearing. It was George who acted to perjure himself about violations of Weingardent, furthermore, in an attempt to even assure plaintiff's wrongful termination,

defendant George next went to the Arbitration hearing in 2009, and once the Arbitrator allowed George's extreme hearsay George went further and added a new lie. This time , for the first time, defendant George added that the surveillance tape (which he and Acme suppressed), showed that the plaintiff actually "brought" the coupons over to the cashier who was in violation of abusing said coupons.

12. It is clear that defendant George aided and abetted Acme Food Corp in the wrongful discharge of this Black male, in their accomplishment of dismissing all newly hired Blacks in a "block". Proof of defendant George's willful conduct is that other than George's perjury, and lies, defendants showed, and had absolutely no constitutionally allowed evidence in order to discharge plaintiff, and others. It started with the willful, and malicious act to violate black employees Weingarten Rights, and went further. George was the catalyist, in violation of N.J.S.A. 10:5-1 et seq, and section 301. The Defendant George, was "clearly aware" of his

role, and his was the only role that defendants could use in achieving their wrongful termination. There is, and was no constitutionally allowed evidence against plaintiff, and other Black employees. It is also clear that defendant George "knowingly, and substantially assisted the principle violation. He was the principle catalyist in assuring the malicious plot's completion.

In closing, there should be no doubt that the complaint against defendant George should be reinstated in the Interest Of Justice. Defendant George lied about other facts as well. For example, claiming that plaintiff "re-paid" the defendants for the alleged coupon scam. This was a "bold-face" lie as well. It went on, and on, and when plaintiff's attorney at arbitration caught defendant in several lies, the arbitrator refused to allow her to question George. Arbitrator even went as far as to take the plaintiff's counsel out of the room, to another to keep her from further exploring George's lies.

Sincerely

A handwritten signature in black ink, appearing to be 'M. D. Orr' or similar, written in a cursive style.